

The U.S. Department of Education Office for Civil Rights

Please note: this presentation provides general information and does not represent a complete recitation of the applicable law and OCR policy in this area. It does not address specific issues of compliance because determinations of compliance depend on specific facts on a case-by-case basis. The language used in these slides is approved for the purposes of this presentation only and should not be used for other purposes.



OCR 101

Objectives for Today

- Introduce OCR and describe OCR's mission
- Explain how OCR carries out its mission
- Increase awareness about OCR and civil rights laws that protect students and others from discrimination

What is OCR?

- Federal civil rights enforcement agency
- The mission of the Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights

OCR Across the Country

www.ed.gov/ocr



What Does OCR Do?

OCR enforces several civil rights laws.

Together, these laws prohibit discrimination on the basis of race, color, national origin, sex, disability, and age, as well as discrimination against certain patriotic youth groups that wish to meet at public schools.

How OCR Accomplishes Its Mission

- Complaints
- Compliance Reviews
- Technical Assistance

OCR's Jurisdiction

OCR has jurisdiction over programs and activities that receive financial assistance from the Department of Education. These may include:

- state education agencies
- elementary and secondary school systems
- colleges and universities
- state vocational rehabilitation agencies

OCR's Jurisdiction

OCR also has jurisdiction over certain public entities under Title II of the Americans with Disabilities Act of 1990, which prohibits disability discrimination by public entities whether or not they receive federal financial assistance.

Title VI of the Civil Rights Act of 1964

Prohibits discrimination on the basis of
Race, Color, or National Origin

Title VI Protections

- Examples of prohibited discrimination may include:
 - Disciplining students differently on the basis of race, color or national origin
 - Assigning a student to an educational program or class on the basis of the student's race
 - Harassment on the basis of race, color, or national origin
 - Providing inadequate educational resources to limited English proficient students

Title IX of the Education Amendments of 1972

Prohibits discrimination on the basis of
Sex

Title IX Protections

- Examples of prohibited discrimination may include:
 - Discrimination on the basis of sex in providing opportunities to participate in interscholastic or intercollegiate athletics
 - Sexual harassment or gender-based harassment
 - Discrimination on the basis of sex in academic counseling and advice

**Section 504 of the
Rehabilitation Act of 1973
&
Title II of the Americans with
Disabilities Act of 1990**

Prohibit discrimination on the basis of
Disability

Section 504 and Title II Protections

Examples of prohibited discrimination under both Section 504 and Title II may include:

- Failure to provide a free appropriate public education to an elementary or secondary student with a disability
- Failure to provide appropriate academic adjustments to a qualified college student with a disability
- Denying the benefits of a program or activity because a school's facilities are inaccessible

Definition of Disability

- A physical or mental impairment which substantially limits one or more major life activities, or
- A record of such impairment, or
- Being regarded as having such impairment

Recent Changes to the Definition of Disability

- ADA Amendments Act of 2008
- Scope of “major life activities” broadened
- Requires “disability” to be construed broadly
- Mitigating measures are not considered

Age Discrimination Act of 1975

Prohibits discrimination on the basis of
Age

Age Discrimination Act Protections

Examples of prohibited discrimination may include:

- Refusing to admit an applicant to a postsecondary program because of the applicant's age
- Terminating a graduate student's enrollment because of the student's age

Boy Scouts of America Equal Access Act

- Prohibits certain entities that receive federal funds from the Department of Education from discriminating against certain youth groups that wish to meet at public schools.
- Acts of prohibited discrimination include denial of access to any other benefits and services provided to other outside youth or community groups that meet at the school.

OCR Enforcement

- An important responsibility of OCR is to investigate and resolve complaints of discrimination promptly and appropriately
- OCR conducts compliance reviews which permit OCR to target resources on class-wide compliance problems that appear particularly acute

Complaint Resolution Tools

Early Complaint Resolution

Complaint Resolution Tools

Voluntary resolution
before the conclusion of an investigation

Complaint Resolution Tools

Investigations
and investigative determinations

Customer Service Standards for Case Resolution

- Availability of OCR services
- Clarity of communication
- Consideration for customers
- Courtesy
- Fairness
- High quality
- Professionalism
- Promptness
- Communication about case status
- Responses to questions

Technical Assistance

OCR provides technical assistance to help institutions, parents and students understand their rights and responsibilities.

Types of technical assistance:

- Presentations
- Responses to telephone and written inquiries
- Workshops
- Consultations

How To Reach Us

Website: www.ed.gov/ocr

[Insert city] Office:

U.S. Department of Education

Office for Civil Rights

_____ Office

**[Insert office contact
information]**